

### **REMARKS**

Claims 1-19 are pending in this Application. By this Amendment, claims 1-3, 6-10, and 12-16 have been amended, and new claims 18-19 have been added. No new matter is added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

#### **I. Claims Define Patentable Subject Matter**

The Office Action rejects claims 1-3, 5-10, and 13-15 under 35 U.S.C. §102(e) as being anticipated by Kaji (U.S. Patent Application Publication No. 2003/0171142); rejects claim 12 under 35 U.S.C. §102(e) as being anticipated by Ishihara (U.S. Patent Application Publication No. 2002/0028710); rejects claims 16-17 under 35 U.S.C. §102(b) as being anticipated by Shimura (U.S. Patent No. 5,644,765); rejects claim 11 under 35 U.S.C. §103(a) as being unpatentable over Kaji in view of Ishihara; and rejects claim 4 under 35 U.S.C. §103(a) as being unpatentable over Kaji in view of Shibuya (U.S. Patent No. 7,006,693). To the extent that these rejections remain applicable to the claims, as amended, the Applicants respectfully traverse these rejections, as follows.

The Applicants assert that Kaji, Ishihara, Shimura, and Shibuya, either individually or in combination, fail to disclose or suggest an entertainment apparatus including at least a card printed with a visually human-identifiable design, and a photographic device for photographing the design of the card and fetching a photographic pixel data array, wherein the photographic device includes an image sensor for photographing the design and outputting a photographic signal, a data array former for sampling the photographic signal and forming a data array, and a

photographic pixel data array former for re-sampling the data array and forming the photographic pixel data array, the data array formed by the data array former is constituted by a plurality of pixel data, and the photographic pixel data array former includes an extractor that sequentially extracts a predetermined number of pixel data of pixels adjacent to each other in an image represented by the photographic signal from the plurality of pixel data constituting the data array while the extracted pixel data are changed sequentially, and a producer that produces a single photographic pixel data based upon the predetermined number of pixel data extracted by the extractor at every time the extractor extracts the predetermined number of pixel data, as recited in amended claims 1 and 12.

Kaji, in paragraphs [0148], [0156], and [0177], with reference to Figs. 5 and 9, merely discloses a card game device including a player card 20 having a photograph of a player on one side and a data pattern (identification code) on the back side, wherein the player card is placed on a play field sheet 80 with the back side (data pattern side) facing the play field sheet so that an image sensor 56 can photograph the data pattern of the card. However, the photographed pattern is **not** a "visually human-identifiable design," as recited in amended claims 1 and 12. As Kaji discloses in paragraph [0177], the data pattern is a black and white printed pattern having a black part that is **invisible** to the naked eye. Moreover, Kaji nowhere discloses or suggests a photographic device including at least a data array former and a photographic pixel data array former having an extractor and a producer, as recited in amended claims 1 and 12. Thus, Kaji fails to disclose or suggest an entertainment apparatus including at least a card printed with a visually human-identifiable design, and a photographic device for photographing the

design of the card, wherein the photographic device includes a data array former and a photographic pixel data array former having an extractor and a producer, as recited in amended claims 1 and 12.

Ishihara, in paragraph [0054], with reference to Figs. 2 and 4-5, merely discloses a game system using game cards 30, wherein each game card 30 includes an information recording area located on the periphery of the card, and when the game card is inserted into a guide 461, a card sensor 451 detects the game card, and a CCD sensor 453 optically reads the data recorded in the information recording area 34 by the two-dimensional barcode scheme. Thus, Ishihara also fails to disclose or suggest an entertainment apparatus including at least a card printed with a visually human-identifiable design, and a photographic device for photographing the design of the card, wherein the photographic device includes a data array former and a photographic pixel data array former having an extractor and a producer, as recited in amended claims 1 and 12.

Shimura and Shibuya, in combination with Kaji and/or Ishihara also fail to disclose or suggest the above features recited in amended claims 1 and 12, and therefore, fail to make up for the deficiencies of Kaji and Ishihara.

For at least the above reasons, the Applicants submit that amended claims 1 and 12 are allowable over the cited references. As amended claims 1 and 12 are allowable, the Applicants submit that claims 2-11 and 13-15, which depend from allowable claims 1 and 12, respectively, are likewise allowable over the cited references.

For similar reasons to those discussed with regard to amended claims 1 and 12, the Applicants submit that amended claim 16 is allowable over the cited references. As

amended claim 16 is allowable over the cited references, the Applicants submit that claims 17-19, which depend from allowable claim 16, are likewise allowable.

II. **Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-19 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number set forth below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, referencing Attorney Dkt. No. 100341-00062.

Respectfully submitted,



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